

Remarks

Support for the above-requested amendments to claim 32 is found at least on page 2, lines 10-13 and page 4, lines 5-16. Support for the amendments to claim 36 is found at least on page 6, lines 15-17. Claim 40 has been canceled without prejudice. Claims 4, 16, 20, 24, and 26-28 were canceled without prejudice in previous Amendments. New claim 41 is supported at least by page 5, lines 6-14. No question of new matter arises and entry of the above-requested amendments and new claim is respectfully requested.

Claims 1-3, 5-15, 17-19, 21-23, 25-27, 29-39, and 41 are before the Examiner for consideration.

Rejection under 35 U.S.C. 112, first paragraph

Claims 32-40 have been rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner asserts that the phrase “a single roofing mat formed from fibers of a fiber material” in claim 32 and the phrase “roofing mat being the only roofing mat” in claim 36 does not have sufficient support on the specification. The Examiner asserts that there is insufficient support in the specification for limiting the roofing mat to one mat.

Initially, Applicants submit that claim 40 has been canceled without prejudice, thereby rendering the rejection of claim 40 moot.

In response to the rejection of the remaining claims, Applicants have amended claims 32 and 36 to remove the objected phrases. In particular, Applicants have removed the word “single” from claim 32 and the phrase “the roofing mat being the only mat in the roof covering” from claim 36. As amended, Applicants submit that claims 32 and 36 comply with the written description requirement and respectfully request that the Examiner reconsider and withdraw this rejection.

Amended Independent Claims 32 and 36

In the Office Action, the Examiner asserts that claims 32-40 cloud the scope of the subject matter intended to be claimed and in fact are unnecessary based upon the allowability of claims 1-3, 5-15, 17-19, 21-23, 25, and 29-31.¹

¹ See, e.g., page 3, line 23 to page 4, line 2 of the Office Action dated January 25, 2010.

In response, Applicants wish to briefly address the amendments made to independent claims 32 and 36. Initially, Applicants respectfully submit that claims 32 and 36, and the claims dependent therefrom, each have a scope that is different from any of the other pending claims. Additionally, Applicants respectfully submit that none of the Examiner's cited references teaches or suggests the subject matter claimed in independent claims 32 and 36. In particular, it is respectfully submitted that the cited references fail to teach or suggest a roof covering that includes a fibrous roofing mat sized with a composition that includes a film forming polymer, a coupling agent, a lubricant, and a sulfur-containing material having therein sulfur groups that form cross-links with the asphalt coating the fibrous mat as is required by claim 32. Additionally, Applicants submit that the cited references fail to teach or suggest a roof covering that includes a fibrous roofing mat that is sized with a composition that includes a film forming polymer, a coupling agent, and a lubricant and is coated with asphalt that has elemental sulfur therein in an amount from 0.1 to 2.0% by weight as is required by claim 36. Indeed, these recited features are the same features deemed allowable in pending independent claims 1 and 9, respectively.² In view of the above, Applicants respectfully submit that claims 32 and 36, and all claims dependent therefrom, are non-obvious and patentable over the references of record. Therefore, Applicants respectfully request that claims 32-40 be passed to allowance.

New Claim 41

Although not included in any outstanding rejection, Applicants wish to briefly address the patentability of newly added claim 41. Namely, Applicants respectfully submit that claim 41 is dependent upon claim 36, which, as discussed above, is not taught or suggested by the cited references. Accordingly, it is respectfully submitted that claim 41, at least because of its dependency upon claim 36, is also not taught or suggest by the references of record.

Indication of Allowable Subject Matter

Applicants appreciate the indication of allowance of claims 11-3, 5-15, 17-19, 21-23, 25, and 29-31 and request that these claims be passed to allowance with the remaining claims in the application.

² See, e.g., paragraph 5 on page 4 of the Office Action dated January 25, 2010.

Conclusion

In light of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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